

KPDES



STORM WATER

GENERAL

PERMIT

PERMIT NO.: KYG200000

**AUTHORIZATION TO DISCHARGE UNDER THE
KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT FOR SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (SMS4)**

Pursuant to Authority in KRS 224 and 5:060, the following discharges are authorized:

Small municipal separate storm sewer systems (SMS4)

Specifically excluded under this permit are discharges that:

Are subject to current, or expired and continued in effect, KPDES individual permits;

Are subject to any promulgated storm water effluent guideline or standard;

Correspond to pending applications filed for individual permit;

Are otherwise designated by the Director as a significant contributor of pollution more appropriately regulated by an individual permit.

The receiving waters are located within the political boundaries of the Commonwealth of Kentucky.

Authorization for discharge is in accordance with the conditions set forth in PARTS I through III hereof.

The permit consists of this cover sheet, and Part I 3 pages, Part II 1 page, and Part III 1 page.

This permit shall become effective on January 1, 2003.

This permit and the authorization to discharge shall expire at midnight, December 31, 2007.

11/18/12
Date Signed

Jeffrey W. Pratt
Jeffrey W. Pratt, Director
Division of Water

Robert W. Logan
Commissioner

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, Frankfort Office Park, 14 Reilly Road, Frankfort, Kentucky 40601

FACT SHEET

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (SMS4)

KPDES No.: KYG200000

Date: June 15, 2001

1. PERMIT COVERAGE

a. This permit covers the entire Commonwealth of Kentucky.

b. Applicability

A small municipal separate storm sewer system (SMS4) is any MS4 not covered under Phase I of the storm water program as a medium or large MS4. An SMS4 can become regulated under Phase II in one of three ways:

Automatic designation due to location within an 'urbanized area' defined by the Bureau of Census. An automatically designated SMS4 remains so unless it meets the criteria for a waiver. (See 1.c. below.)

Potential designation for SMS4s outside of an urbanized area serving a population of at least 10,000 population and a population density of at least 1,000 people per square mile. The permitting authority is required to develop and apply designation criteria to determine if the MS4 causes, or has potential to cause, an adverse impact on water quality. Criteria must consider discharge to sensitive waters, high population density, high growth or growth potential, contiguity to an urbanized area, significant contributor of pollutants to the waters of the Commonwealth, and ineffective protection of water quality concerns by other programs.

Potential designation of any SMS4 outside of an urbanized area contributing substantially to the pollutant loading of a *physically interconnected* MS4 regulated by the storm water program.

c. Waivers

Option 1:

- system serves less than 1,000 people;
- system is not contributing substantially to the pollutant loading of a physically interconnected regulated MS4; and
- if the SMS4 discharges any pollutant identified as a cause of impairment of any receiving water body, storm water controls are not needed based on a wasteload allocation conducted as part of an EPA approved or established total maximum daily load (TMDL) addressing the pollutant of concern.

c. Waivers (continued)

Option 2:

- system serves less than 10,000 people;
- an evaluation of waters of the Commonwealth receiving discharges from the system indicates no storm water controls are needed based on a wasteload allocation that is part of an EPA approved or established TMDL addressing the pollutant of concern or an equivalent analysis; and
- it is determined that future discharges from the system do not have the potential to result in exceedances of water quality standards.

2. NOTICE OF INTENT

Existing systems intending to be regulated under this permit must submit a Notice of Intent (NOI) no later than March 10, 2003.

3. PERMIT DURATION

Five (5) years.

4. THE ADMINISTRATIVE RECORD

The Administrative Record, including application, draft permit, fact sheet, public notice, comments received, and additional information is available by writing the Division of Water at 14 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

5. REFERENCED AND CITED DOCUMENTS

All materials and documents referenced or cited in this fact sheet are either a part of the Administrative Record as previously described or readily available at the Division of Water.

6. CONTACT

For further information, contact the individual identified on the Public Notice or the Storm Water Contact, Municipal Section, KPDES Branch, (502) 564-3410.

7. PUBLIC NOTICE INFORMATION

Please refer to the attached Public Notice for details regarding the procedures for a final decision, deadline for comments and other information required by 401 KAR 5:075, Section 4(2)(e).

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A. MINIMUM CONTROLS

1. Public Education and Outreach on Storm Water Impacts

Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

2. Public Involvement/Participation

At a minimum, comply with State, Tribal, and local public notice requirements when implementing a public involvement/participation program. Activities may include representation on local storm water management work groups, public hearings, education volunteers, assisting with program coordination and monitoring efforts.

3. Illicit Discharge Detection and Elimination

- (i) Develop, implement, and enforce a program to detect and eliminate illicit discharges (as defined at Sec. 122.26(b)(2)) into your SMS4;
- (ii) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
- (iii) To the extent allowable under State, Tribal, or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
- (iv) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system; and
- (v) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
- (vi) The following categories of non-storm water discharges or flows (i.e., illicit discharges) need to be addressed only if you identify them as significant contributors of pollutants to your small MS4: waterline flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).

4. Construction Site Storm Water Runoff Control

- (i) Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with Sec. 122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.
- (ii) Your program must include the development and implementation of, at a minimum:
 - (A) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;
 - (B) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
 - (C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 - (D) Procedures for site plan review which incorporate consideration of potential water quality impacts;
 - (E) Procedures for receipt and consideration of information submitted by the public; and
 - (F) Procedures for site inspection and enforcement of control measures.

5. Post-Construction Storm Water Management in New Development and Redevelopment

- (i) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts;
- (ii) Develop and implement strategies, which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;
- (iii) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal or local law; and
- (iv) Ensure adequate long-term operation and maintenance of BMPs.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, your State, Tribe, or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

B. SCHEDULE OF COMPLIANCE

The permittee shall have fully developed and implemented the storm water program within the time frame of this permit.

STANDARD CONDITIONS FOR KPDES PERMIT

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal and local agencies.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:080 and KRS 224, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit;
2. Controls any pollutant not limited in the permit; or
3. In addition to the minimum control measures based on an approved total maximum daily load (TMDL) or equivalent analysis that determines such limitations are needed to protect water quality.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

PART III

OTHER REQUIREMENTS

A. Reporting and Records Retention

Annual reports must be submitted to the NPDES permitting authority for your first permit term. The report must include:

1. The status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices and progress towards achieving your identified measurable goals for each of the minimum control measures in terms of reducing the discharge of pollutants from the MS4 to the maximum extent practicable and in terms of protecting water quality;
2. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;
3. A summary of the storm water activities you plan to undertake during the next reporting cycle;
4. A change in any identified best management practices or measurable goals for any of the minimum control measures; and
5. Notice that you are relying on another governmental entity to satisfy some of your permit obligations (if applicable).

The report must be sent to the Division of Water at the address listed below postmarked no later than the 28th day of the January following the report calendar year.

Department for Environmental Protection
Division of Water
KPDES Branch/Municipal Section
14 Reilly Road, Frankfort Office Park
Frankfort, Kentucky 40601

Other records shall be retained for at least three (3) years. You must submit your records to the NPDES permitting authority only when specifically asked to do so. You must make your records, including a description of your storm water management program, available to the public at reasonable times during regular business hours.